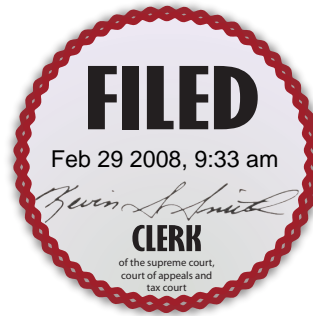


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

JOBY D. JERRELLS
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

GLENN EVANS,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

)
)
)
)
)
)
)
)
)
)

No. 49A05-0707-CR-415

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Robert Hurley, Judge Pro Tempore
Cause No. 49G21-0704-CM-69479

February 29, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Glenn Evans appeals his conviction for Class A misdemeanor invasion of privacy.

We affirm.

Issue

Evans raises one issue, which we restate as whether his conviction is supported by sufficient evidence.

Facts

The Marion County Sheriff's Department personally served Evans with a protective order on March 5, 2007. This protective order required him to refrain from making contact with his spouse, E.E. Even though Evans refused to sign for the protective order on this date, Evans later signed an Acknowledgement of Service for the order on April 17, 2007. He had a copy of the protective order with him at the time of his arrest on April 22, 2007.

On April 22, 2007, Officer Edward Bottoms of the Indianapolis Metropolitan Police Department responded to a call from E.E. regarding a violation of the protective order. Specifically, E.E. reported that a young lady entered E.E.'s place of employment and gave E.E. a hairbrush and letter from Evans. E.E. noticed Evans's vehicle located in the parking lot near her place of employment and immediately called the police. Evans left the parking lot after Officer Bottoms arrived to speak with E.E.

Officer Bottoms, along with another police officer, eventually located Evans standing next to his vehicle at his brother's residence. Officer Bottoms told Evans about the protective order and Evans, without solicitation from Officer Bottoms, voluntarily

confessed to sending a lady into E.E.'s place of employment to deliver the letter and hairbrush. Evans then proceeded to retrieve a copy of the protective order from his vehicle and presented it to both officers.

The State charged Evans with one count of Class A misdemeanor invasion of privacy. During trial, Evans argued that he did not have any direct contact with E.E. and, therefore, the evidence was insufficient to show that he violated the protective order. The trial court found Evans guilty of Class A misdemeanor invasion of privacy. Evans now appeals.

Analysis

Evans argues the State presented insufficient evidence to support his conviction for invasion of privacy. More specifically, Evans argues that he did not receive proper notice of the protective order, that he was not at E.E.'s place of business, and that his actions did not amount to communicating with E.E. Addressing these arguments requires us to review the sufficiency of the evidence presented at trial. Our standard of review for sufficiency of the evidence claims is well settled. When reviewing the sufficiency of the evidence supporting a conviction, we will not reweigh the evidence or judge the credibility of witnesses. Staton v. State, 853 N.E.2d 470, 474 (Ind. 2006). We must look to the evidence most favorable to the conviction together with all reasonable inferences to be drawn from that evidence. Id. We will affirm a conviction if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Id.

Evans first argues that he did not receive proper notice of the protective order. Evans refused to sign for the personal service twice on March 7, 2007. State's Exhibit 1, p. 5. However, Officer Bottoms's testimony revealed that Evans was aware of the protective order and even produced a personal copy of the protective order. Based on Evans's confession of his actions and his production of the protective order, the trial court could reasonably infer that Evans had proper notice. See also Dixon v. State, 869 N.E.2d 516, 520 (Ind. Ct. App. 2007) (oral notification by a police officer to the defendant of a protective order's existence was found to be proper notice).

Evans next argues that his actions were not a "communication" that was prohibited by the protective order. Appellant's Br. p. 6. We disagree with Evans. Evans's offense is governed by Indiana Code Section 35-46-1-15.1, which provides in part: "A person who knowingly or intentionally violates an ex parte protective order issued under IC 34-26-5 commits invasion of privacy, a Class A misdemeanor." Furthermore, protective orders restrain persons from abusing, harassing, or disturbing the peace of the protected person either by direct or indirect contact. Huber v. State, 805 N.E.2d 887, 892 (Ind. Ct. App. 2004). To violate a protective order, one must have contacted the protected party directly or indirectly. Id.

Officer Bottoms's testimony revealed that Evans voluntarily confessed to giving a young lady a letter and hairbrush to be delivered to E.E. The protective order against Evans provides in part, "The Respondent is prohibited from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with Petitioner." State's Exh. 1, p. 2. Evans was clearly making an attempt to contact E.E. by giving a third party

items to deliver to her. Even though the exact message within the letter was not divulged at trial, it can be logically inferred that Evans was also attempting to communicate with E.E.

Finally, Evans argues that he did not violate the protective order because he did not go to E.E.'s place of employment. Evans contends that the protective order did not specify the detailed address of E.E.'s place of employment and, therefore, he was not in violation by going near this place. We disagree with Evans. The protective order specifically states, "The Respondent is ordered to stay away from the residence, school, and/or place of employment of the Petitioner." State's Exh. 1, p. 4. No exact address is specified on this protective order, but it is clear the "place of employment" is off-limits. Through Evans's actions and confession to Officer Bottoms, the trial court reasonably found that Evans clearly violated the protective order by attempting to contact and communicate with E.E. at her place of employment.

Conclusion

There is sufficient evidence to support Evans's conviction for invasion of privacy. We affirm.

Affirmed.

SHARPNACK, J., and VAIDIK, J., concur.